

City Council Agenda

Council President
Clinton J. Olivier

Councilmembers

Oliver L. Baines III
Andreas Borgeas
Lee Brand

Sal Quintero
Larry Westerlund
Blong Xiong – Acting President

City Manager
Mark Scott

City Clerk
Yvonne Spence, CMC

City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

The City Council welcomes you to the Council Chambers, located in City Hall, 2nd Floor, 2600 Fresno Street, Fresno CA 93721.

May 24, 2012

8:30 A.M. ROLL CALL

Invocation by Pastor Lee Pointer

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "CAROL CHANDLER DAY" for having served as a new member on the California State University Board of Trustees – Councilmember Quintero – **Read and presented**

Proclamation of "ST. BALDRICK'S DAY" – Councilmember Brand – **Read and presented**

Proclamation of "DARRELL UNRUH DAY" – Mayor's Office and All Councilmembers – **Read and presented**

Proclamation of "MENTAL HEALTH MONTH" – Mayor's Office – **Read and presented**

The agenda and related staff reports are available on (www.fresno.gov) as well as in the Office of the City Clerk. The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

PROCESS: For each matter considered by the Council there will first be a staff presentation followed by a presentation from the involved individuals, if present. Testimony from those in attendance will then be taken. All testimony will be limited to three minutes per person. If you would like to speak fill out a Speaker Request Form available from the City Clerk's Office and in the Council Chambers. The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker.

The green light on the podium will be turned on when the speaker begins. The yellow light will come on with one minute remaining. The speaker should be completing the testimony by the time the red light comes on and tones sound, indicating that time has expired. A countdown of time remaining to speak is also displayed on the large screen behind the Council dais.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve Council minutes of May 17, 2012

Action Taken: Approved

Councilmember Reports and Comments

Action Taken: No reports made

Approve Agenda

Action Taken: Approved, as amended

Adopt Consent Calendar

Action Taken: Adopted

1. **CONSENT CALENDAR**

All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered as time allows.

- A. Approve the re-appointment of Lynda Snauffer to the Civil Service Board – Mayor's Office; the appointment of Janet Nelson to the District 4 Implementation Committee – Councilmember Westerlund; and the appointments of Lee Ann Eager and Gweyndolyn Harshaw to the Fresno Regional Workforce Investment Board – Council President Olivier
Action Taken: All approved except G. Harshaw
- B. Authorize Director of Aviation to execute Amendment No. 8 to the Aviation Land and Building Lease and Agreement between SkyWest Airlines, Inc. and the City of Fresno – Airports Department (*Property located at Fresno Yosemite International Airport*) – Airports Department
Action Taken: Authorized
- C. Actions pertaining to Hangar P-3 East Ramp at Fresno Yosemite International Airport – Airports Department
1. Adopt CEQA Categorical Exemption pursuant to Guidelines Sections 15301 (existing facilities) and 15302 (replacement or reconstruction) related to Hangar P-3 East Ramp at Fresno Yosemite International Airport
Action Taken: Adopted
 2. Authorize Director of Aviation to award a construction contract to Emmett Valley Construction, Inc. of Fresno, CA for the reconstruction of the Hangar P-3 East Ramp in the amount of \$422,606.30
Action Taken: Authorized
- D. Authorize the Director of Aviation to execute reimbursable agreement AJW-FN-WSA-11-4017, relocate Runway 11R-29L REIL, with the Federal Aviation Administration in the amount of \$27,092.83 – Airports Department
Action Taken: Authorized

1. **CONSENT CALENDAR CONTINUED**

- E. Award a contract in the amount of \$310,330 to Zim Industries for the drilling and development of a production well at Pump Station 15B located at 3420 E. Clay Avenue (*Property located in District 7*) – Department of Public Utilities
Action Taken: Awarded
- F. Award a contract in the amount of \$302,713 to Zim Industries for the drilling and development of a production well at Pump Station 30B, located at 535 N. Jackson Avenue (*Property located in District 7*) – Department of Public Utilities
Action Taken: Awarded
- G. Actions pertaining to for the Gang Reduction, Intervention and Prevention (CALGRIP) program – Police Department
1. Authorize the Chief of Police to enter into and execute the agreement and all required program documents from the California Emergency Management Agency (CALEMA) for the Gang Reduction, Intervention and Prevention (CALGRIP) program
Action Taken: Authorized
 2. * **RESOLUTION** - 65th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$61,000 for the CALGRIP 12 Grant project (*Requires 5 affirmative votes*)
Action Taken: Resolution No. 2012-89 adopted
- H. Approve a substitution of a listed subcontractor (Bowen Engineering and Environmental) for the ARRA – Herndon Town well site destructions project – (*Property located in District 2*) – Public Works Department
Action Taken: Approved
- I. * **RESOLUTION** – Designating the Droge Building site located at 802 Van Ness Avenue to the Local Register of Historic Resources (*Property located in District 3*) – Development and Resource Management Department
Action Taken: Resolution No. 2012-90 adopted

CONTESTED CONSENT CALENDAR

9:30 A.M. **CLOSED SESSION**

- A. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Kashian Group , LTD v. City of Fresno et al.; Suzanne Lanfranco, et al. v. City of Fresno et al
Action Taken: Held
- B. **CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION** - Government Code Section 54956.9, Subdivision (b)/**CONFERENCE WITH REAL PROPERTY NEGOTIATOR** - Government Code Section 54956.8
Property: Three (3) parcels east of Highway 168 and south of Ashlan Avenue used by CalTrans as a wild life preserve/wetlands/open space, currently owned by Airports Department
Negotiators: City: Russ Widmar and Kevin Meikle; CalTrans: Roberta Odahl
Under Negotiation: Terms
Action Taken: Removed from the agenda
- C. **CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** - Government Code Section 54956.9, Subdivision (a)
1. **Case Name:** Robert Nevarez and Sharon Shaffer v. City of Fresno, Jerry Dyer
Fresno County Superior Court No. 11CECG00632
Action Taken: Held

9:30 A.M.

CLOSED SESSION CONTINUED

D. CONFERENCE WITH LABOR NEGOTIATOR - Government Code Section 54957.6

City Negotiators: Ken Phillips, Terry Bond

Employee Organization(s):

1. IUOE, Stationary Engineers, Local 39 (L39)
2. Fresno City Employees Association (FCEA)
3. Fresno Police Officers Association (FPOA Basic)
4. International Association of Firefighters, Local 753 (IAFF Basic)
5. Amalgamated Transit Union, Local 1027 (ATU)
6. International Brotherhood of Electrical Workers, Local 100 (IBEW)
7. Fresno Police Officers Association (FPOA Management)
8. International Association of Firefighters, Local 753 (IAFF Management)
9. City of Fresno Professional Employees Association (CFPEA)
10. City of Fresno Management Employees Association (CFMEA)
11. Fresno Airport Public Safety Supervisors (FAPSS)

Action Taken: Held

SCHEDULED COUNCIL HEARINGS AND MATTERS

10:00 A.M. TEFRA HEARING as required by Section 147(f) of the Internal Revenue Code of 1986 to hear and to consider information concerning the proposed issuance of revenue refunding bonds by California Statewide Communities Development Authority (CSCDA) for the benefit of the Terraces at San Joaquin Gardens for the purpose of financing and refinancing continuing care facilities in the aggregate principal amount not to exceed \$85 million – Finance Department

Action Taken: Held

- a. * **RESOLUTION** - Approving a tax-exempt bond financing to be issued by the California Statewide Communities Development Authority (CSCDA) to benefit the Terraces at San Joaquin Gardens

Action Taken: Resolution No. 2012-91 adopted

10:15 A.M.

GENERAL ADMINISTRATION

- A. **RESOLUTION** - Of intention to provide for the future annexation of territory to City of Fresno Community Facilities District No. 16 and to authorize the levy of special taxes for the maintenance of certain public improvements associated with the universally accessible park **(Property located in District 1)** – Public Works Department

Action Taken: Resolution No. 2012-92 adopted

- B. Award a contract in the amount of \$531,160 to Zim Industries for the drilling and development of two (2) production wells at Pump Station 345, located at 185 S. Burgan Avenue **(County Island within Council District 5)** – Department of Public Utilities

Action Taken: Awarded

- C. * **RESOLUTION** – 510th amendment to the Master Fee Schedule (MFS) Resolution No. 80-420 addressing fee changes and annual routine department revisions - Budget and Management Studies Division

Action Taken: Failed on tie vote/to be brought back for full Council

- D. Actions pertaining to the Ashlan Avenue grind and overlay, from Parkway Drive to Valentine Avenue Project **(Property located in District 1)** – Public Works Department

1. Consent to Menefee Construction's request for relief from their bid in the amount of \$602,492.80 for the Ashlan Avenue grind and overlay, from Parkway Drive to Valentine Avenue project

Action Taken: Approved

2. Award a construction contract to Witbro Inc. dba Seal Rite Paving and Grading of Clovis, California, in the amount of \$610,392 for the Ashlan Avenue grind and overlay from Parkway Drive to Valentine Avenue project

Action Taken: Awarded

10:15 A.M.

GENERAL ADMINISTRATION CONTINUED

- E. Actions pertaining to the McKinley Avenue grind and overlay from Blackstone Avenue to Wishon Avenue project *(Property located in Districts 1 and 7)* – Public Works Department
1. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines, for the McKinley Avenue grind and overlay from Blackstone Avenue to Wishon Avenue project
Action Taken: Adopted
 2. Award a construction contract with Granite Construction Company of Watsonville, California, in the amount of \$599,025 for the McKinley Avenue grind and overlay from Blackstone Avenue to Wishon Avenue project
Action Taken: Awarded
- F. Actions pertaining to the Bullard Avenue overlay from State Route 41 to First Street project *(Property located in Districts 4 and 6)* – Public Works Department
1. Adopt Finding of Categorical Exemption per staff determination, pursuant to Section 15301 Class 1 (c) of the CEQA Guidelines, for the Bullard Avenue overlay from State Route 41 to First Street project
Action Taken: Adopted
 2. Award a construction contract with Granite Construction Company of Watsonville, California, in the amount of \$652,236 for the Bullard Avenue overlay from State Route 41 to First Street project *(Property located in Districts 4 and 6)*
Action Taken: Awarded
- G. Approve termination of the agreement for the provision of water service entered into with the Pinedale County Water District on December 31, 1985 and authorize the Director of the Department of Public Utilities, or his designee, to issue and deliver a Notice of Termination and to take all other procedural steps required to terminate the agreement effective 11:59 p.m. on December 31, 2012, or earlier as the parties may mutually agree – Department of Public Utilities
Action Taken: Approved
- H. * **RESOLUTION** - 70th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$299,500 of California Department of Housing and Community Development Housing-related Parks Program (Proposition 1C) funds in the Parks, After School, Recreation and Community Services Department for Dickey Playground park improvements *(Requires 5 affirmative votes)* *(Property located in District 3)* - PARCS
Action Taken: Resolution No. 2012-93 adopted
- I. Actions pertaining to California Department of Transportation (CALTRANS) Environmental Enhancement and Mitigation (EEM) Program for Romain Park *(Property located in District 7)* - PARCS
1. Approve acceptance of a \$350,000 grant from the California Department of Transportation (CALTRANS) Environmental Enhancement and Mitigation (EEM) Program for Romain Park
Action Taken: Approved
 2. * **RESOLUTION** - 72nd amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$350,000 of CALTRANS funds in the Parks, After School, Recreation and Community Services Department for Romain Park improvements *(Requires 5 affirmative votes)*
Action Taken: Resolution No. 2012-94 adopted
- J. Actions pertaining to the State of California Department of Parks and Recreation Statewide Park Program for the Cultural Arts District Park *(Property located in District 3)* - PARCS
1. Approve acceptance of a \$2,500,000 grant from the State of California Department of Parks and Recreation Statewide Park Program for the Cultural Arts District Park
 2. * **RESOLUTION** - 78th amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$8,000 of State of California Department of Parks and Recreation Statewide Park Program (Proposition 84 II) funds in the Parks, After School, Recreation and Community Services Department for the Cultural Arts District Park *(Requires 5 affirmative votes)*
Action Taken: Continued two weeks to address technical issue

10:15 A.M.

GENERAL ADMINISTRATION CONTINUED

- K. Actions pertaining to the State of California Department of Parks and Recreation Statewide Park program for Martin Ray Reilly Park *(Property located in District 7)* - PARCS
1. Approve acceptance of a \$3,165,365 grant from the State of California Department of Parks and Recreation Statewide Park program for Martin Ray Reilly Park
Action Taken: Approved
 2. * **RESOLUTION** - 77th Amendment to the Annual Appropriation Resolution (AAR) No. 2011-133 appropriating \$8,000 of State of California Department of Parks and Recreation Statewide Park program (Proposition 84 II) funds in the Parks, After School, Recreation and Community Services Department for Martin Ray Reilly Park *(Requires 5 affirmative votes)*
Action Taken: Resolution No. 2012-95 adopted
- L. **RESOLUTION** - Of intention to annex Final Tract Map No. 6000, Annexation No. 45, to City of Fresno Community Facilities District No. 11 and to authorize the levy of special taxes *(Property located in District 6)* (south side of Nees Avenue between Chestnut and Willow Avenues) – Public Works Department
Action Taken: Resolution No. 2012-96 adopted
- M. Actions pertaining to the Gettysburg Avenue bike lanes from Fresno Street to Winery Avenue – *(Property located in District 4)* – Public Works Department
1. Adopt Finding of a Categorical Exemption per staff determination, pursuant to Class 1 Section 15304(h) (minor alterations to land) of the CEQA Guidelines for the Gettysburg Avenue bike lanes from Fresno Street to Winery Avenue
Action Taken: Adopted
 2. Award a construction contract with Intermountain Slurry Seal, Inc. of Watsonville, CA in the amount of \$328,000.00 for the Gettysburg Avenue bike lanes from Fresno Street to Winery Avenue
Action Taken: Awarded
- N. Adopt Finding of Categorical Exemption, pursuant to Article 19, Section 15332/Class 32 (in-fill development), of the California Environmental Quality Act Guidelines and approve a \$733,025 Home Investment Partnerships Program agreement with Fulton Court Partners, LLC, for acquisition and rehabilitation of the Fulton Court Apartments, a 10-unit affordable multi-family housing bungalow court located at 142 N. Fulton Avenue in the Lowell Neighborhood *(Property located in District 3)* – Development and Resource Management Department
Action Taken: Removed from the agenda

11:00 A.M. **CITY COUNCIL**

- A. Update by the Animal Task Force Committee regarding the procurement of animal control services and receive Council direction – Council President Olivier
Action Taken: Oral report made/no direction made

- B. Consider Charter Review Committee recommendations, Items 1 - 55 – Council President Olivier
Council will take action on items 24 –55 and are listed as follows:

***ITEMS 24 – 55 are those proposed by various Commissioners, Councilmembers, citizens and organization:

24. Whether the Charter should provide for reverse auctions for City purchasing
Action Taken: Consideration started/continued to next meeting
25. Whether the Charter should include a provision for a Council financial/budget staff person appointed by and reporting to Council
26. Whether new Councilmembers should be trained to adhere to stewardship standards/commitment
27. Whether the Committee should recommend a study calling for pension reform
28. Whether alternatives to Civil Service Commission should be considered
29. Whether City zoning should be consistent with adopted General Plan
30. Whether to return to Council-Manager form of government
31. Whether to have Office of Independent Review be a Charter mandated position with specific reporting requirements, duties and authorities
32. Whether the City Charter should permit proposals from private companies to provide City services
33. Whether to make it a requirement that all positions within Mayor's Office be accounted for to reflect true costs
34. Whether to have Mayor and Council to make a concerted effort to represent Fresno diverse population in appointments to Boards and Commissions
35. Whether to expand City Council membership from seven to nine given the increase in population
36. Whether to have two (2) year moratorium on City employees conducting business with City
37. Whether the Charter should prohibit privatization of City services without a vote of the people
38. Whether to create a single Department of Transportation including bus service and airport, etc.
39. Whether to make the City prohibited from participating in a joint powers entity with, or otherwise providing leases or other credit enhancements to the Redevelopment Agency
40. Whether to have City be prohibited from participating in a joint powers entity with, or otherwise providing lease or other credit enhancements to the Redevelopment Agency, unless the RDA Board appoints the City Manager as the Executive Director of the Agency and unless state law is amended to include the Mayor as a member of the RDA Board, consistent with the treatment accorded the mayors in Charter Cities in the County of San Bernardino pursuant to Health and Safety Code Section 33200(a) (and with the powers accorded such Mayors in such provision)
41. Should the Charter define "materiality"
42. Whether to have the Charter define what elements at a minimum should be in the annual budget document submitted by Mayor/City Manager to Council

***** Additional citizen suggested items. Items 43, 44, 45, 46, 47, 48, 49, 50 and 51 were unanimously approved to be deleted from consideration.

43. Building/development fees should pay for new schools prior to homes being constructed in an area
44. The City of Fresno should eliminate the Fresno Police Department and contract with the Fresno County Sheriff to provide law enforcement in the City, transitioning current officers to the County
45. Increase efforts to force the federal government to enforce immigration laws for illegal immigrants arrested by the Fresno Police Department
46. Prohibit the City from investing in or engaging in public/private partnerships, including loan or other financial guarantees, but excluding the operations of the RDA
47. Eliminate any connection with Service Employees International Union (SEIU)
48. Reduce and/or eliminate City regulatory limits on building and construction, particularly in regards to permitting
49. Prohibit Section 8 housing near Fresno State, via zoning or otherwise

11:00 A.M. CITY COUNCIL CONTINUED

- A. Consider Charter Review Committee recommendations, Items 1 - 55 – Council President Olivier
Council will take action on items 24 –55 and are listed as follows:

*** ITEMS 24 – 55 are those proposed by various Commissioners, Councilmembers, citizens and organization:

- 50. Impose a moratorium on new housing project permits until the market can digest the existing housing inventory
- 51. Recommend that the City address traffic light timing issues created by either recent syncing/timing of lights on major arteries and/or by rapid transit busses

***** End of additional citizen suggested items

- 52. Whether the Charter should require consolidation of services
- 53. Whether the Charter should provide for the Mayor as President of the Council
- 54. Whether the Charter should require an independent body to draw Council boundaries
- 55. Whether the City Charter should be amended to give the Mayor authority to appoint the City Attorney

Action Taken: Nos. 24, 25, 31, 37, & 55 pulled for discussion/all continued to next meeting

***Council may also discuss Items 1 – 23 and 24-55 as they relate to Items 23 - 55. (Please note: some portions of the Charter Review Committee recommendations are subject to Mayor's veto.)

1:30 P.M. JOINT SPECIAL MEETING OF THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY OF THE CITY OF FRESNO AND THE FRESNO REVITALIZATION CORPORATION

- A. Successor Agency Board and Fresno Revitalization Corporation Board to consider and take the following action:

- 1. RESOLUTION – Approving a Recognized Obligation Payment Schedule (ROPS) for January 1, 2012 – June 2012 and a Recognized Obligation Payment Schedule (ROPS) for July 1, 2012 to December 31, 2012

Action Taken: Joint Resolution SA-3/FRC-5 adopted

PLEASE NOTE: SCHEDULED AND UNSCHEDULED COMMUNICATIONS ARE NOT SCHEDULED FOR A SPECIFIC TIME AND MAY BE HEARD ANY TIME DURING THE MEETING

SCHEDULED COMMUNICATION –

UNSCHEDULED COMMUNICATION – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk's Office at least ten (10) days prior to the desired date. Council action on unscheduled items, if any, shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda.

SCHEDULED COUNCIL HEARINGS AND MATTERS

May 31 -			MEETING
June 14 -	10:00 A.M.		CONTINUED HEARING to consider Rezone Application No. R-11-016 and environmental findings, filed by William Gavello, pertaining to approximately 0.86 acres of property located on the north side of W. Whites Bridge Avenue between N. Fruit and N. Thorne Avenues (Property located in District 3)
June 14 -	10:15 A.M.		CONTINUED HEARING re: Rezone Application No. R-11-017, Plan Amendment No. A-11-011, filed by Steven Spencer
June 21-	10:00 A.M.		HEARING to adopt resolutions and ordinance to annex territory and levy a special tax regarding City of Fresno Community Facilities District No. 11, Annexation No. 45 (Final Tract Map No. 6000) (Located in District 6) (south side of Nees between Chestnut and Willow)
June 21-	10:20 A.M.		HEARING re: Notice of Intent to adopt resolution of necessity to acquire certain real property or interest in real property by eminent domain location: 2991 E Nees Avenue, Clovis, CA
May 24, 2012			*SUBJECT TO MAYOR'S VETO OR RECONSIDERATION AND MAY BE AMENDED AT ANYTIME

			APN: 404-072-10S owner: Donald E. Jackley and Anita Jackley
June	28-	10:00A.M.	HEARING to provide future annexation of territory to CFD No. 16
June	28-	10:20 A.M.	HEARING to adopt a resolution ordering the vacation of approximately 155 feet of "L" Street southeast of Ventura Street <i>(Property located in District 3)</i>
July	5 -		NO MEETING – COUNCIL VACATION
July	12 -		NO MEETING – COUNCIL VACATION
July	19 -	10:00 A.M.	HEARING to adopt a resolution ordering the vacation of E. Burns and E. Eugenia venues east of S. Martin Luther King Jr. Boulevard, S. Bardell Avenue between E. Burns and E. Eugenia Avenues
July	26 -	10:00 A.M.	HEARING re: levying and collecting the annual assessment for LLMD No. 1 (City wide) - P.W. Dept.